

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 287

HOUSE BILL NO. 1742

**By Representatives Fitzhugh, Casada, Yokley, Curt Cobb, McCormick,
Harrison, McCord, Maddox, Bone, Shaw, Brown**

Substituted for: Senate Bill No. 1176

By Senator Black

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 13, relative to real estate continuing education instructors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 13, Part, is amended by adding a new section thereto, as follows:

Section 62-13-324.

(a) In order to be eligible for approval by the commission, a course in real estate designed to meet the educational requirements established in § 62-13-303 shall be under the personal and direct supervision of an instructor who:

(1) Has completed a Tennessee real estate commission approved course in instructor training;

(2) Holds a diploma or certificate evidencing a high school education or the equivalent thereof;

(3) Has no complaints filed against such person in the office of the commission which have not been satisfactorily resolved;

(4) If such course concerns the principles of real estate, mathematics, or sales techniques, is a licensed broker (or, with the approval of the commission, affiliate broker) with at least five (5) years of experience in the subject of such course;

(5) If such course concerns the law of real estate, has graduated from a law school accredited by the American Bar Association or approved by the state board of law examiners;

(6) If such course concerns any other field in which a degree or other recognized designation is commonly awarded,

has earned such degree or designation, or has at least five (5) years of satisfactory experience in the field; and

(7) If such course is offered for credit at a college or university, has either a master's degree and three (3) years of satisfactory experience in the area of instruction or a terminal degree in the area of instruction.

(b) The commission may charge a fee of up to twenty-five dollars (\$25.00) for each instructor in an education cycle in order to review the instructor's qualifications.

(c) Before teaching the core course required every two (2) years by the real estate commission an instructor shall demonstrate competency in such subject by taking an approved instructor course of at least four (4) hours on the subject matter being presented in such core course.

(d) Before teaching a course on the law of agency an instructor shall successfully complete an approved instructor course on agency.

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 13, Part 3, is amended by adding a new section thereto, as follows:

Section 62-13-325.

(a) The term "distance education" shall be used interchangeably with the term "correspondence courses" and shall include all education in which instruction does not take place in a traditional classroom setting but rather through other media where the teacher and student are separated by distance or by time. Distance education courses approved by the commission shall be completed within one (1) year of the date of enrollment in order for continuing education to be granted to the licensee. Distance education may include, but is not necessarily limited to, printed materials, computer based materials and on-line materials.

(b) A distance education course using printed materials may be approved by the commission if:

(1) Students will be provided a manual or other printed material;

(2) A comprehensive course outline, requirements for successful completion of the course and information regarding availability of faculty to students are provided;

(3) It contains at least six (6) written exercises which are to be submitted periodically to the instructor, graded and returned to the student; and

(4) If the class provides more than eight (8) hours of credit, a comprehensive final examination or equivalent measure of achievement is executed prior to the sponsor submitting the roster to the commission indicating successful completion of the course for any and all students.

(c) A distance education course using computer based or online materials or formats may be submitted to the commission for analysis and possible approval if the course is certified by the Association of Real Estate License Law Officials (ARELLO), or other certifying body at the discretion of the commission, as to technology, support of the technology, interactivity and course design.

(1) The commission shall review these certified courses on a case by case basis to determine whether the curriculum will meet commission education requirements.

(2) Any course which would provide more than eight (8) hours of continuing education shall include a final examination which shall be executed prior to submission to the commission for education credit.

(3) Approval of a course under this subsection will be automatically withdrawn should certification by the respective certifying body be discontinued for any reason.

(d) Any distance education version of the basic principles of real estate course required of applicants for an affiliate broker's license under § 62-13-303 shall include at least one (1) student interaction with a commission-approved instructor for every five (5) hours of credit.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 4, 2009


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2009



PHIL BREDESEN, GOVERNOR